

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Martin W. Aron (MA2008)
EDWARDS ANGELL PALMER & DODGE LLP
One Giralda Farms
Madison, New Jersey 07940
(973) 520-2300
Attorneys for Defendant

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ROBERT E. BERNARD,

Plaintiff,

v.

HELEN GRACE SPENCER, a/k/a HELEN
GRACE McDERMID, a/k/a/ HELEN
McDERMID SPENCER,

Defendant.

No. 07-cv-07816 SCR

**NOTICE OF MOTION TO DISMISS
AMENDED COMPLAINT**

Defendant Helen Grace Spencer moves to dismiss this action pursuant to Fed. R. Civ. P. 9(b), for failure to plead fraud with particularity, and pursuant to Fed. R. Civ. P. 12(b)(6). This motion is made upon the amended complaint and the Affidavit of Martin W. Aron dated the 28th day of September 2007, together with the exhibits thereto.

Dated: Madison, NJ
September 28, 2007

S/Martin W. Aron
Martin W. Aron (MA2008)
EDWARDS ANGELL PALMER & DODGE LLP
Attorneys for Defendant
One Giralda Farms
Madison, New Jersey 07940
(973) 520-2300
email: maron@eapdlaw.com

TO:

Robert Bernard, plaintiff *pro se*
82 Timberbrook Road
Rockaway, New Jersey 07866

AFFIRMATION OF SERVICE

Martin W. Aron, Esq., affirms under penalty of perjury pursuant to CPLR 2106 that he is an attorney admitted to practice in the United States District Court, Southern District of New York, a member in good standing of this Court, over the age of 18 years, not a party to this action, resides in Union County, New Jersey, and that on the 28th day of September 2007 he served a true copy of the annexed Notice of Motion to Dismiss, supporting Affidavit and Memorandum of Law upon:

Robert E. Bernard, plaintiff *pro se*
82 Timberbrook Road
Rockaway, New Jersey 07866

by enclosing a true copy of same and sending via Federal Express next day delivery.

S/Martin W. Aron
Martin W. Aron (MA2008)
EDWARDS ANGELL PALMER & DODGE LLP
Attorneys for Defendant
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Madison, New Jersey 07940
(973) 520-2300
email: maron@eapdlaw.com

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